

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, February 20, 2013

Meeting called to order at 10:04

CONSENT CALENDAR

Roll Call: Anderson, Ferguson, Figueroa, Fritz, Garner, LaBahn, Montes, Peck, Roberts, Singh, Turner, Zarrinam

Comments and clarifications regarding meeting minutes: January 15, 2013

No comments

Lifer Hearing Backlog Report

No comments

Public Comment on Consent Calendar

No comments

Motion to approve the consent calendar was made by Commissioner TURNER and seconded by Commissioner ROBERTS. The motion passed unanimously.

REPORTS

Report from Executive Officer

JENNIFER SHAFFER reported that she and Chief Counsel HOWARD MOSELEY attended the California District Attorneys Association Conference and the University of Southern California Gould's School of Law Conference.

SHAFFER announced the board's public meeting agendas will now list the relevant county of conviction for pardon petitions.

Report from Chief Counsel

MICHAEL YOURIL, Graduate Legal Assistant, reported on *People v. Wade* (2012) WL 1759369 (Cal.App.1 Dist.). Wade petitioned to have his 32-year-to-life sentence recalled due to his medical condition. The Board voted to refer his petition to the sentencing court. The sentencing court denied his petition in 2011. The Court of Appeal reversed the sentencing court's decision.

KATIE RILEY, Senior Staff Counsel, outlined changes to the Life Scheduling and Tracking System (LSTS) computer screen for term calculations. An additional feature is that LSTS now estimates the inmate's parole release date. The Board's Legal Division also reviews each calculation to ensure the panel's decision was within its authority.

Responding to concerns expressed at last month's board meeting, MOSELEY stated that the agenda will now contain more clarification regarding the reason for any referral by the Legal Division to the full Board.

MOSELEY also explained the difference between court-ordered re-hearings (a new hearing held in lieu of a previous hearing pursuant to a court order) and court-ordered advanced hearings (a new hearing that was originally scheduled for some time in the future but advanced in date by a court).

DISCUSSION ITEMS

***Administrative Directive on Hearing Decision Tie Votes*, presented by Howard Moseley, Chief Counsel**

MOSELEY reported that the Best Practices Committee approved the above directive and referred it to the full Board for adoption. The directive describes the legal limitations placed on information that the full Board may consider in cases involving a tie vote. The Board must only consider information that was before the original panel; no new information or public comment may be considered.

Board Questions and Comments

No comments

Public Comments

No comments

Motion and Votes

Commissioner GARNER moved to adopt Administrative Directive 2013-01, Commissioner LABAHN seconded the motion. The motion was passed unanimously.

OPEN COMMENTS

BPH Commissioners - Agenda Items for Future Meetings

No comments

Public Comment -

GAIL BROWN, Life Support Alliance, outlined difficulties encountered by inmate attorneys. For instance, they are not allowed to bring laptops to parole suitability hearings. The late running of hearings also causes problems.

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern that inmates might be prejudiced by future panels if current panels recommend the inmate seek counseling.

MICHAEL BECKMAN, attorney, stated that late receipt of lifer packets has caused hearings to be postponed and attorney visits at some institutions are unsatisfactory because they have to be conducted behind glass.

LAWRENCE MORRISON, Los Angeles County District Attorney's Office, questioned the Board's method of calculating the percentage of hearings resulting in a parole grant.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

EN BANC HEARINGS

Recall and Referral for Resentencing: Penal Code section 1170(e)

- H. BESS, Richard T-53652**
JAMES KREGGER, retired District Attorney, opposed recall and referral.
- I. CATHREN, Darrell F-82301**
LAWRENCE MORRISON of the Los Angeles County District Attorney's Office, opposed recall and referral.
- J. CARDIN, Luis C-35792**
LAWRENCE MORRISON of the Los Angeles County District Attorney's Office, opposed recall and referral.

Referral by the Chief Counsel: California Code of Regulations, Title 15, section 2042

- K. KIM, Kee P-71039**
BRANDI DEVALL, inmate's attorney, submitted that his grant should be affirmed.
- L. MOORE, Donnell D-73077**
MARK NORTON, inmate's attorney, submitted that his grant should be affirmed.
LAWRENCE MORRISON, Los Angeles County District Attorney's Office, made no submissions.

Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044

- F. COOPER, Roderick C-72227**
LAWRENCE MORRISON, Los Angeles County District Attorney's Office, adopted the Governor's reasons and opposed release.
- G. ENGLUND, David B-77911**
KATEY GILBERT, inmate's attorney, submitted that the grant should be affirmed.
- H. HILL, Jesse J-46685**
ISAC CHOY, inmate's attorney, submitted that the grant should be affirmed.
LAWRENCE MORRISON, Los Angeles County District Attorney's Office, opposed release.
- I. LATSCHA, James H-80825**
LAURA WATTS, Riverside County District Attorney's Office, opposed release.
MICHAEL BECKMAN, inmate's attorney, submitted that the grant should be affirmed.
- J. KNIGHT, Harvey C-96218**

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LAWRENCE MORRISON, Los Angeles County District Attorney's Office, opposed release.

- K. MARTIN, John J-87352**
BRUCE FLYNN, Contra Costa County District Attorney's Office, opposed release.
CHRISTINE JONES, inmate's friend, supported release.
MICHAEL BECKMAN, inmate attorney, submitted that the grant should be affirmed.
- L. SILVA, Gabriel E-06734**
MICHAEL BECKMAN, attorney, requested information about the inmate's alleged misconduct.

Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application.

- M. LINMAN, Brook**
BROOK LINMAN requested a pardon, based on her conduct after incarceration.
- N. MENNEALY, Janeen**
JANEEN MENNEALY ZOOK requested a pardon, based on her conduct after incarceration.

Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote.

- O. HILL, Roger C-53733**
No comments.

Meeting adjourned at 11:45 a.m. for closed session deliberations.

BOARD OF PAROLE HEARINGS
EXECUTIVE BOARD MEETING, MARCH, 2013

BPH: PC s. 3041(d) REPORT ("Backlog Report")
DECEMBER, 2011-DECEMBER, 2012

